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June 23,2003

Mr. Ted Hull
Bay Area Air Quality Management District 939 Ellis Street
San Francisco, CA 94109
FAX (415) 749-4949

SUBJECT:

COMMENTS ON DRAFT TITLE V PERMIT, NEW BY ISLAND LANDFILL AND THE RECYCLERY, MILPITAS, CALIFORNIA (FACILITY NOS. 9013 AND 5472)

Dear Mr. Hull:

Browning-Ferris Industries, of California, Inc. (BFI), the owner/operator of The Recyclery (Plant No.5472), as well as International Disposal Corporation of California, Inc. (IDC), the owner/operator of the New by Island Landfill (Plant No.9013), provide the following comments on the draft Title V permit for the combined facilities. This letter was prepared with assistance from SCS Engineers (SCS) for submittal to the Bay Area Air Quality Management District (BAAQMD).

Specific Comments

Under Section II (Equipment) of the draft permit, Table IIA lists the design capacity of the landfill as 50.8 million cubic yards and 39 million tons. These same capacity limits are contained within Condition 1 of the permit conditions for the landfill source (S-2). While these capacity limits are consistent with the landfill's solid waste facility permit (SWFP), they are predicated on an in-place waste density of approximately 1535lb/cubic foot. Current landfill practices are capable of achieving higher waste densities, which would result in additional refuse tonnages being placed within the same air space or volume limit. As such, IDC hereby requests that the Title V permit reflect the fact that the current tonnage limit is based on an assumed density that may change over time and that the facility can exceed the tonnage limit without necessitating a modification to the Title V permit provided the volume limit is not exceeded.

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Under Section II (Equipment) of the draft permit, Table IIA limits the number of vertical landfill gas (LFG) extraction wells to 123. This same limit is contained within Condition 6 of the permit conditions for the landfill source (S-2). IDC is in the process of designing an expansion of the LFG collection and control system (GCCS) at the site to add additional collection capacity. This request for expansion will come in the form of a second addendum to the GCCS Design Plan (still in review), which will be submitted in the near future. Since an increase in the number of extraction wells is imminent, IDC requests that the BAAQMD delay issuance of the initial Title V permit until the second addendum to the GCCS Design Plan is submitted to you and can be incorporated into the permit.

Condition 5 of the permit conditions for the landfill source (S-2) only allows the LFG generated from the New by Island Landfill to be vented to the " ...off-site IC engine power generators. ..." operated by Gas Recovery Systems, Inc. (GRS) facility (Plant No. B 1760) or to the on-site flare (A-1). This condition needs to be updated to reflect the fact that the New

by Island Landfill and GRS recently began exporting LFG to the San Jose wastewater treatment plant (WWTP) as part of a LFG recovery project. Therefore, the landfill now has three different options for LFG control at the site. Also, please note that because of this new LFG recovery project at the WWTP, the IDC flare (A-1) does not need to be operated to control LFG under nonnal circumstances. It will act as a back-up control device to the WWTP and GRS facility until such time as the LFG flows increase beyond the capacity of the current LFG recovery and IC engine power generator facilities. Because of the above, IDC request that Title V pennit conditions for the flare (A-1) be modified to reflect the fact that the flare may not be operating on a full time basis. For example, under the minimum flare operating temperature requirement, we would like it made clear that the requirement only applies when the flare is on-line and combusting LFG.

Condition 8 for the landfill source (8-2) limits heat input to the landfill gas flare (A-1) at 1,704 million BTU/day and 621,960 million BTU/year .IDC requests that this limit be modified to reflect the following:

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high heating value for methane of 1013 BTU/ft3, per BAAQMD;
methane content of 55% of total LFG, corresponding with gas quality commonly encountered at New by Island Landfill; and
maximum flare throughput of 2,500 ft3/minute, corresponding with the flare's design capacity.

IDC therefore requests a heat input limit for the landfill gas flare 2,006 million BTU/day and 732,095 million BTU/year.

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as follows

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Condition 12 for the landfill source (8-2) contains a requirement to test the LFG for various toxic substances on an annual basis. IDC has no problem with this requirement; however, the criteria for requesting the removal of individual chemicals from the testing list are a bit unclear. As written, it would appear that we would have to complete some form of risk assessment in order to discontinue this testing or would the District complete this assessment and advise us of the results? As such, IDC requests that Condition 12 be revised to clarify who would be responsible for conducting the risk assessment.

Condition 14 for the landfill source (8-2) allows for the synchronizing of the semi-annual Title V reports with the semi-annual Rule 8-34 reports. However, it is unclear whether these reports can be combined into a single report or whether the reports should be kept separate but the reporting periods synchronized. Please clarify this in the final permit.

Under Section VII (Applicable Limits and Compliance Monitoring Requirements) of the draft permit, Table VIIA lists the wellhead limits for oxygen and temperature as set forth under BAAQMD Rule 8-34-305. IDC recently requested alternatives to these limits for certain LFG extraction wells within the first addendum to the GCCS Design Plan, which was recently submitted to your office (June 2002). IDC requests that the Title V permit clearly identify the individual wells that are exempt from these requirements or for which alternatives exist, as specified in the addendum to the GCCS Design

Plan.

General Comments

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It appears that the Title V permit is defining the Landfill and the Recyclery as one facility under BAAQMD regulations. IDC and BFI have serious concern with this issue and feel that it is inconsistent with the manner in which these facilities have been regulated in the past. In April 2001, the New by Island Landfill was required to submit a Title V permit application. At that time, IDC discussed the Title V permitting issue with Brenda Cabral of the BAAQMD, and we were informed that the BAAQMD wished to include both facilities on one Title V permit. BFI and IDC did not expect, nor were we informed, that this might change the permitting status of the two facilities. We will be drafting a formal request for the BAAQMD to reconsider the decision to combine these separate facilities into one, which will be submitted under separate cover. We assume that the BAAQMD will delay issuance of the combined Title V permit for these facilities until a final decision on this matter has been reached.

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BPI plans to begin operation of two sources at the facility that had been previously off-line for many years. We are in the process of preparing the permitting documentation for these sources and believe that they should be included in this Title V permit or in a separate Title V permit for the Recyclery. It is our intent to file applications for permits to operate (PTOs) for these sources in the near future. As such, we hereby request that the BAAQMD delay issuance of the final Title V permit until these items can be added. It would seem to be in everyone's best interest to issue an initial Title V permit that accurately covers all of the sources at the facility and to avoid having to revise the Title V permit in the near future. In light of this issue and the issue described above, it would appear to be prudent to hold off on final permit issuance until these issues can be resolved.

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If you have any additional questions or concerns, please contact the undersigned at (408) 945-2851. Thank you in advance for your prompt review of our concerns regarding the proposed Title V permit. We await your responses to our comments and appreciate you giving them careful consideration. IDC/BFI would be glad to discuss any of these issues with you or to meet with you at your convenience.

Sincerely,



Eric Tjensvold Environmental Manager

cc:

Pat Sullivan, SCS Engineers
Lochlin Caffey; Allied Waste Industries Norm Christensen; IDC